IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1073 OF 2005
IN
SUIT NO. 886 OF 2005

State Bank of India ... PLAINTIFF

V/s.

Jalaludin Nasir Mansuri & Ors. ... DEFENDANTS

Ms. Shamli Hajela i/b. H.M. Legal & Ass. for the plaintiff.
None for the defendant.

CORAM : ANOOP V. MOHTA, J.
DATED : 17th March, 2006

P.C.

. The present suit is for recovery of Housing loan of Rs. 4,25,000/-.

2 Heard Counsel for the plaintiff. Affidavits of service dated 9th August, 2005 and 31st January, 2006 have been filed on the record. None appeared for the defendants. Considering the averments made, a prima facie case has been made out by the plaintiff. All necessary ingredients as contemplated under Order XL Rule 1 of C.P.C. have also been made out. In view of this I am inclined to grant prayer clause (a) except bracketed portion and (b) with liberty.

Clause (a) -

"that pending the hearing and final disposal of this suit, the Court

Receiver, High Court, Bombay or some other fit and proper person be appointed as Receiver of the immovable property described in Exhibit "A" annexed to the Plaint, with all powers under Order XL Rule 1 of the Code of Civil Procedure, 1908 (including power to sell and/or realise the mortgaged security and to pay the net sale proceeds/recoveries thereof to the Plaintiffs towards their claim in the suit.)"

Clause (b) -

"that pending the hearing and final disposal of this suit, the Defendants, by themselves, or any other person or persons claiming through on under them be restrained by an order and injunction of this Hon'ble Court from in any manner dealing with selling or disposing off alienating, encumbering, parting with possession or creating any third party rights of whatsoever nature over the said immovable properties described in Exhibit "A" annexed to the plaint."

3. The Notice of Motion is disposed of accordingly with no order as to costs.

[ANOOP V. MOHTA, J.]